

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

SIRIUS TECHNOLOGY ADVANCED
RESEARCH, LLC; and STAR
UNACKNOWLEDGED, LLC;

Case No. 1:23-cv-09560-DEH

Plaintiffs,
v.

CHICKEN SOUP FOR THE SOUL
ENTERTAINMENT, INC.;
TOFG, LLC/d.b.a. 1091 PICTURES; and DOES
1-10
Defendants.

PLAINTIFFS' ANSWER TO COUNTERCLAIMS

COME NOW, Plaintiffs SIRIUS TECHNOLOGY ADVANCED RESEARCH, LLC; and STAR UNACKNOWLEDGED, LLC, by and through their attorneys, Law Office of Derek V. Garcia, LLC (Derek Garcia, Esq.), and Law Offices of Michael D. Steger, PC (Michael Steger, Esq.), and hereby Answer the Counterclaims filed by Defendants CHICKEN SOUP FOR THE SOUL ENTERTAINMENT, INC. AND TOFG, LLC/d.b.a. 1091 Pictures on December 1, 2023 (Doc. 15), as follows:

ANSWER TO FIRST COUNTERCLAIM

1. Admit Defendant Chicken Soup for the Soul Entertainment, Inc. (“CSEE”), is a Delaware Corporation with its principal place of business in Connecticut.
2. Admit that TOFG LLC d/b/a 1091 Pictures (“TOFG”), is a Delaware limited liability company, but otherwise deny that its principal place of business is in the State of Connecticut.
3. Admit the allegations of ¶3 of the first counterclaim.

4. Admit the allegations of ¶4 of the first counterclaim.
5. Plaintiffs lack sufficient information to form a belief as the truth of the allegations of ¶5 of the first counterclaim, and therefore deny such allegations.
6. Plaintiffs lack sufficient information to form a belief as the truth of the allegations of ¶6 of the first counterclaim, and therefore deny such allegations.
7. Admit the allegations of ¶7 of the first counterclaim.
8. Deny the allegations of ¶8 of the first counterclaim.
9. Deny the allegations of ¶9 of the first counterclaim.
10. Deny the allegations of ¶10 of the first counterclaim.
11. Deny the allegations of ¶11 of the first counterclaim.
12. Deny the allegations of ¶12 of the first counterclaim.
13. Deny the allegations of ¶13 of the first counterclaim.
14. Deny the allegations of ¶14 of the first counterclaim.
15. Deny the allegations of ¶15 of the first counterclaim, and deny to any extent the allegations call for a legal conclusion.
16. Plaintiffs lack sufficient information to form a belief as the truth of the allegations of ¶16 of the first counterclaim, and therefore deny such allegations.

ANSWER TO SECOND COUNTERCLAIM

17. Plaintiffs lack sufficient information to form a belief as the truth of the allegations of ¶17 of the second counterclaim, and therefore deny such allegations.
18. Deny the allegations of ¶18 of the second counterclaim, and deny to any extent the allegations call for a legal conclusion.
19. Plaintiffs lack sufficient information to form a belief as the truth of the allegations of ¶19

of the second counterclaim, and therefore deny such allegations.

FIRST AFFIRMATIVE DEFENSE

1. Defendants failed to state a claim against Plaintiffs upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. Defendants' claims are barred in whole or in part by their failure to mitigate their alleged damages.

THIRD AFFIRMATIVE DEFENSE

3. The doctrine of waiver bars Defendants' claims.

FOURTH AFFIRMATIVE DEFENSE

4. The doctrine of unclean hands bars Defendants' claims.

FIFTH AFFIRMATIVE DEFENSE

5. The doctrine of unjust enrichment bars Defendants' claims, as Defendants alleged and speculative damages are offset, in whole or in part, by damages due to Plaintiffs by Defendants.

SIXTH AFFIRMATIVE DEFENSE

6. Defendants' counterclaims are barred by Defendants' own breach of contract.

SEVENTH AFFIRMATIVE DEFENSE

7. Defendants' libel counterclaim is barred because Plaintiffs' alleged statements are true.

EIGHTH AFFIRMATIVE DEFENSE

8. Defendants' libel counterclaim is barred because any alleged statement by Plaintiffs was necessary to protect Plaintiffs' own interests.

RELIEF REQUESTED

WHEREFORE, for the foregoing reasons, Plaintiffs request:

1. Dismissing Defendants' Counterclaims 1 and 2 in their entirety.
2. Granting Plaintiffs the relief requested in their initial Complaint and previously filed Motion for Preliminary Injunction.
3. Awarding the costs, reasonable attorneys' fees, and expenses in defending this action.
4. Awarding such additional and further relief as deemed necessary, just, and proper by this Court.

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

/s/ Derek Garcia

This is to certify that on this 21st day of December, 2023, the foregoing Plaintiffs' Answer to Defendants' Counterclaims was filed electronically through the CM/ECF system, with additional copies served by Email to the following:

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